Supreme Court, U.S.
FILED

(1)

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OFFICE OF THE CLERK

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES
OCTOBER TERM

Petition for writ of Certiorari to
Supreme Court of the United States

NO. _____

The United States Court of Appeals
Florence O'Leary
Plaintiff and Appellant

vs.

J. Russel Cunningham, ESQ.
Barry H. Spitzer, ESQ.
Desmond, Miller & Desmond
1006 Fourth Street
Sacramento, CA 95814
Attorneys for Defendants and Appellees
Louis N. Desmond, Bishop Francis S. Quinn
and the Roman Catholic Bishop of Sacramento,
A Corporate Sole

24 pp

QUESTION PRESENTED

A FEW YEARS AGO (83) I WAS BORN INTO THE " CATHOLIC FAITH ". FOR OVER 200 YEARS MY PEOPLE (FAMILY) HAS ACCEPTED THE CATHOLIC CHURCH. THEY NO LONGER ACCEPT ME BECAUSE OF THIS CASE. I HAVE SEEN MANY CHANGES IN THE CATHOLIC FAITH (NOT ALL FOR THE BETTER) BUT THE WAY THEY MISTREAT AMD ABUSE "WOMAN" HAVE STAYED THE SAME THROUGH THE YEARS. VIRGIN MARY (HERSELF) WAS REFUSED A ROOM AT THE " INN " BY THE INNKEEPER (LANDLORD) BECAUSE HE CONSIDERED HER A UNFIT PERSON AND A UNWED MOTHER. AFTER " JESUS " WAS " BORN " SHE HAD TO GO (FLED ?) INTO THE COLD DESERT TO RAISE HIM. NO ONE WANTED HER OR TO HELP HER. HOW DID SHE FEEL WHEN THEY TOLD HER THAT HER " SON " WAS MURDERED AND NAILED TO A WOODEN CROSS ?

THE CATHOLIC CHURCH HAS NEVER GRANTED " EQUAL RIGHTS " TO " WOMAN " OR THE PLAINTIFF IN THIS CASE. (THE ONLY RIGHTS THEY WOULD GRANT THE PLAINTIFF IS " THE LAST RITES ".

BY FORCE AND DURESS THE DEFENDANTS HAVE MADE THE PLANITIFF SUFFER ANGER, SHAME, FRIGHT, HUMILIATION, MENTAL ANGUISH, EMOTIONAL DISTRESS AND PHYSICAL DISTRESS.

THE DEFENDANTS HAVE IN THIER POSSESSION THE PROPERTY OF THE DIOS LA IGLESIA DE LAITIES AND THE LOWER COURTS HAVE CONDONED THIER UNLAWFULL OVERT ACTS.

THE PLAINTIFF ALLEGES THE DEFENDANTS HAVE VIOLATED THE FIRST AMENDMENT OF THE UNITED STATES CONSTITUTION.

BOTH THE ESTABLISHMENT CAUSE AND THE FREE EXERCISE CAUSE. 28 U.S.C.A. AND 42 USC 1983-1985-1986 AND 4 TH. AND 14 TH. AMD. U.S.

QUESTIONS PRESENTED FOR REVIEW

DID THE DEFENDANTS ENTER INTO " CONSPIRACY " WHEN THEY PERMITTED AND USED THE SECULAR " CITY OF SACRAMENTO " (GRACE OF GOD ?) TO BULLDOZE THE SACRED HOLY DIOS LA IGLESIA DE LAITIES (SACRAMENT) CHURCH AND HOUSE DOWN ?

DID THE DEFENDANTS UNLAWFULLY " FENCE " AND " GATE " AND UNLAWFULLY CLAIMED " POSCESSION " OF THE PROPERTY. (CAN BE PROOVEN IN COURT.")

DID THE DEFENDANTS USE (RESORT) THIER " POLICIAL " AND " POWER " TO UNLAWFULLY DISTROY THE SACRED HOLY DIOS LA IGLESIA CHURCH AND HOME THAT WAS NEXTDOOR TO THE 'ROMAN CATHOLIC CHURCH THAT THEY " THOUGH " WA S ALSO THIER PROPERTY. THEY UNLAWFULLY "TOOK " BY FORCE AND DURESS ?

THE ROMAN CATHOLIC CHURCH (NEXT DOOR TO THE DIOS LA IGLESIA DE LAITIES CHURCH) ORDERED THE PLAINTIFF NOT TO 33 PREACH " IN EITHER CHURCH BE-CAUSE THE ROMAN CATHOLIC DO NOT ALLOW " WOMAN " TO BE " ORDAINED ". THEY CALLED THE SACRAMENTO POLICE ON THE PLAINTIFF ON ALL OCCASIONS WITHOUT DUE CAUSE.

THE CATHOLIC RRIEST (NEXT DOOR) SAID TO THE PLAIN-TIFF (QUOTE) REVEREND O'LEARY -EVEN IF YOU WAS " VIRGIN MARY " HERSELF THE CATHOLIC CHURCH WOULD NOT (COULD NOT) ACCEPT OR ORDAINE YOU. (UNQUOTE)

QUESTION PRESENTED

WAS THE HONORABLE JUDGE LAWRENCE K. KARLTON WITHIN HIS JURISDICTION (AUTHORITY) WHEN ON MARCH 10,1989 HE ORDERED THE "O'LEARY FAMILY" TO BE "VEXATIOUS LITIGANTS" ANT) REQUIRJNG BOND ? THE PLAINTIFFS (O'LEARY FAMILY) ALLEGES THEY WERE DENIED DUE PROCESS OF LAW AND NEVER HAD A "TRIAL" OR "HEARING" BEFORE THE COURT, AND THE ORDER IN ITSELF ANSWERS A RELIGIOUS QUESTION, (TO BE ORDAINED BY JESUS) AND WAS NOT IN THE JURISDICTION OF THE HONORABLE COURT.

WAS THE HONORABLE WILLIAM B. SHUBB WITHIN HIS JURISDICTION (AUTHORITY) WHEN HE HONORED THE ORDER OF HONORABLE JUDGE LAWERNCE K. KARLTON?

DID THE CITY OF SACRAMENTO - SACRAMENT GO INTO CONSPIRACY WITH THE BISHOP OF SACRAMENTO - SACRAMENT AND STEWART TITLE CO. WHEN THEY ALL GOT TOGETHER AND DID THEIR OVERT ACTS AGAINST THE O'LEARY FAMILY? THE CITY UNLAWFULLY BULLDOZED DOWN THE DIOS LA IGLESIA CHURCH AND HOUSE AND GARAGE.

THE CATHOLIC CHURCH PROMISED $75,000 FOR THE PROPERTY (CASH) AND GAVE A " WORTHLESS " CHECK (BOUNCED) FOR $66,883 AND THE PLAINTIFF HAS NEVER RECEIVED PAYMENT AND THREE CHECKS HAVE BOUNCED.

STEWART TITLE IN CONSPIRACY WITH THE CATHOLIC CIIURCH DID NOT DO A COMPLETE SEARCH OF THE PROPERTY (ADDED ON PARCEL NO.2 TO THE CONTRACT) AND NEVER CONSULTED MRS. O'LEARY ABOUT COMMUNITY PROPERTY. THEY "SNOWBALLED" THE DEAL THROUGH BECAUSE THE PLAINTIFFS ARE OVER 80 YEARS. OLD AND HAVE BEEN UNDER GREAT MENTAL AND PHYSICAL DISTRESS BY THE DEFENDANTS AND THOUGHT THEY COULD GET AWAY WITH THEIR OVERT ACTS.

QUESTIONS PRESENTED

TO WHAT SACRED HOLY "SACRAMENT" IS THE SECULAR "CITY OF SACRAMENTO" REFERRING? BY USING THE SACRED HOLY NAME SACRAMENTO -SACRAMENT (ONE AND THE SAME)?

HAS THE SECULAR CITY OF SACRAMENTO EVER BEEN ORDAINED BY JESUS CHRIST OR ANY OTHER RELIGION?

CAN THE SECULAR CITY OF SACRAMENTO BE ORDAINED BY THE SACRED HOLY SACRAMENTO - SACRAMENT?

BY "GODS WILL" THEY CAN NEVER BE ONE AND THE SAME. ISN'T TIIIS UNGODLY AND UNCONSTITUTIONAL?

DOESN'T THE FEDERAL JUDGES ORDER VIOLATE THE FREE EXER- CISE CLAUSE? (FREEDOM OF EYERYONE TO WORSHIP OR NOT WORSHIP) AS THEY WISH. ARE NOT THE JUDGES CREATING AN "OFFICIAL CHURCH "TO GOVERN RELIGION?

ISN'T THE PLAINTIFF BEING PUNISHED FORTHEIR BELIEFS? (BOND $ 1450 AND NOW TIIE DEFENDANTS ARE DEMANDING $ 10,000 BOND UNCONSTITUTIONAL?

ISN'T TIIE BOND ONLY FOR THE USE OF THE NAME "SACRAMENTO - SACRAMENT"?

DOES THIS ORDER RESERVE THE SACRED HOLY SACRAMENTO -SAC RAMENTO EXCLUSIVE FOR THE SECULAR DEFENDANTS? (UNCONSTITUTIONAL,) U.S.C. 28

THE PLAINTIFF ALLEGES THAT THE DEFENDANTS HAVE VIOLATED BOTH THE ESTABLISHMENT CLAUSE AND THE FREE EXERCISE CLAUSE OF THE UNIUED STATES CONSTITUTION. FIRST AMEND-MENT 28 U.S.C.

TIIE SACRED HOLY BIBLE, WEBSTERS AND GASELLS DICTIONARY DEFINES THE NAME "SACRAMENTO - SACRAMENT" AS ONE AND THE SAME MEANING (QUOTE)" A SYMBOL OR HOLY SIGN OF THE GRACE OF GOD. IT IS TO BE ORDAINED BY JESUS CHRIST, IN CERTAIN SACRED RELIGIOUS RITES AND ACTS OF CERTAIN CHRISTIAN RELIGIONS. NOT ALL RELIGIONS." (UNQUOTE)

FLORENCE O'LEARY (ORDAINED)

STATEMENT OF THE CASE

PLAINTIFF ALLEGES ALL DEFENDANTS IN THIS CASE ALL APPEAR TO BE WELL CONNECTED IN SOME FASHION AND WAYS WITH THE CITY OF SACRAMENTO SECULAR PUBLIC OFFICIALS AND THEY HAVE ALL "QUIT" THEIR PUBLIC POSITIONS IN "MALFEASANCE" AND "DISGRACE" (LEFT NO FORWARDING ADDRESS) FOR THEIR OVERT ACTS WHILE IN PUBLIC POSITIONS THEY HAVE BEEN FULL IMMUNITY BECAUSE OF THEIR SECULAR OVERT ACTS BY THE LOWER COURTS.

DISCRIMINAFION BASED UPON A CLASSIFICATION CREATED BY DEFENDANTS, IS AS MUCH WITHIN THE CONDEMNATION CLASSIFICATION AS IF DEPRIVED FROM COLOR, RACE OR RELIGION.

SOON AFTER THE CATHOLIC CHURCH BEGAN TO WORRY (WITH GOOD CAUSE) ABOUT THEIR OVERT ACTIONS WITH THE CITY OF SACRAMENTO THE CITY HAD OTHER PLANS ABOUT THE PROPERTY THAT DIDN'T INCLUDE THE CHURCH. (CAN BE AFFIRMED) THE CITY THEN UNLAWFULLY BULLDOZED THE DIOS LA IGLESIA CHURCH AND HOME, LEVELED THE PROPERTY, AND PUT A FENCE AND GATE AT TAXPAYERS EXPENCE. (WITHOUT DUE PROCESS)

STATEMENT OF THE CASE

ON JUNE 12, I 989, MY DEAR HUSBAND ENTERED INTO A CONTRACT TO SELL BISHOP QUINN OF THE ROMAN CATHOLIC CHURCH I, LOT 1, BLOCK 5 AT 2531 32ND ST, SACRAMENTO, CA. MR LOUIS DESMOND DREW UP THE CONTRACT AT HIS OFFICE AT 1006 4TH ST.

THE REASON MY HUSBAND SIGNED WAS BECAUSE HE WAS UNDER GREAT STRESS AND DURESS BY THE DEFENDANTS IN THIS CASE. HE WAS BEATEN AND PUT IN JAIL, 80 YEARS OLD, ALONG WITH 4 SONS. ALL WITHOUT DUE CAUSE. THE CITY PUT OVER 8,000 DOLLARS TAXES AGAINST THE PROPERTY UNLAWFULLY, THEN BULLDOZED THE CHURCH, HOUSE AND GARAGE. WE WERE AT THE END OF THE LINE. BOTH OF US OVER EIGHTY AND NO CHURCH AND HOME. WE ONLY WANTED TO LIVE IN PEACE. AFTER FIVE YEARS AND MANY COURT CASES, THE BISHOP QUINN COULD NOT GET OUR MONEY AND HE'S "QUIT"' IN DISGRACE. WE RECEIVED THREE "COUNTERFEIT" CHECKS FROM MR. DESMOND AND THE THE IMPERIAL BANK AND WAS NOT ABLE TO GET THE MONEY EVEN AFTER THE COURTS GAVE THEM "IMMUNITY" AND THE DEFENDANTS TOLD "SOCIAL SECUURITY" THAT WE RECEIVED THE MONEY AND WE WERE "CUT OFF" FROM ALL GOVERNMENT ASSISTANCE.

UNDER THE LAW, A HUSBAND HAS THE RIGHT TO MANAGE AND DISPOSE OF COMMUNITY PROPERTY, SUBJECT TO CERTAIN STATUATORY LIMITATIONS. UNDER THESE PROVISIONS, THE WRITTEN CONSENT OF THE WIFE OR HER SIGNATURE ON AN INTSRUMENT OF CONVEYANCE IS REQUIRED RESPECTIVELY TO VALIDATE SPECIFIED TRANSACTIONS INVOLVING PERSONAL AND REAL PROPERTY HELD BY THE COMMUNITY. WHERE THE HUSBAND DISPOSES OF PROEPERTY IN VIOLATION OF STATUTORY REQUREMENTS THE TRANSACTION MAY BE AVOIDED AND THE PROPERTY RECOVERED IN A CIVIL ACTION INSTITUTED BY THE WIFE.

JURISDICTION

FEDERAL QUESTION
THE FIRST AMENDMENT OF THE CONSTITUTION 28 USCA SECTION 1331. ESTABLISHMENTOF RELIGION CLAUSE - IN USING THE "NAME" OF SACRAMENTO - SACRAMENT THE CITY OF SACRAMENTO - SACRAMENT IS INFERRING THAT THE CITY IS A HOLY CITY AND HAVE BEEN "ORDAINED" BY JESUS CHRIST BECAUSE THE NAME MEANS (SACRAMENTO - SACRAMENT) TO BE "ORDAINED" IN THE SACRED HOLY " SACRAMENTS".

A SECULAR CITY GOVERNMENT MAY HAVE A HISTORY OF A RELIGION. BUT A SECULAR COMMUNITY CAN'T TAKE THE NAME, ACT OR RITE OF A CERTAIN RELIGION AND INFER THAT IT IS OF THAT CERTAIN RELIGION. (SACRAMENTO - SACRAMENT IS SACRED HOLY CHRISTIAN RITE OF ROMAN THE CATHOLIC CHURCH AND A FEW CERTAIN OTHERS. NOT ALL RELIGIONS.) WHEN THE SECULAR CITY OF SACRAMENTO - SACRAMENT USES THE NAME SACRAMENTO" AS ITS SYMBOL IT IS SECTARIAN RELIGIOUS IMAGERY. IS IT AGAINST ALL OTHER RELIGIONS?

THE PLAINTIFF ALLEGES THIS CASE INVOLVES A FEDERAL QUESTION OF EXCEPTIONAL IMPORTANCE TO THE UNITED STATES CONSTITUTION AND THE PLAINTIFFS HOLY SACRED RELIGIOUS BELIEFS. (ORDAINED BY JESUS CHRIST) THE U.S. DISTRICT COURT (EASTERN CA.) AND THE U S. COURT OF APPEALS (9 TH.) " OPINION" DIRECTLY CONFLICTS WITH A OPINION BY THE U.S. COURT OF APPEALS 7 TH. CIRCUIT AND SUBSTANTIALLY AFFECTS A "RULE" OF NATIONAL UNIFORMITY HARRIS VS. CITY OF ZION AND ROLLING MEADOWS. ILL. 927 F 2 D. 1401 7TH. CIR 91.

THE 7 TH. CIRCUIT, COURT OF APPEALS RULED "SECTARIAN IMAGERY HAS NO PLACE IN SECULAR MUNICIPAL COMMUNITIES.

TABLE OF AUTHORITIES

CASES

HARRIS VS. CITY OF ZION, 927 F. 2D 1401(7 TH. CIR. 1991) THE 7TH. CIR. COURT OF APPEALS RULED SECTARIAN IMAGERY HAS " NO PLACE ON MUNICIPAL SEALS " (QUOTE)

HAL ROACH STUDIOS INC. VS. RICHARD FEINER & CO. (9TH. CIR, 1990 ~ 896 F. 2 D 1542, 1555 N, 19 THE COMPLAINT IS CONSTRUED IN THE LIGHT MOST FAVORABLE TO THE PLAINTIFF.

LEMON VS. KUTZMAN (1971)403 U, 5, 602,91 S. CT. 2105 (1) MUST HAVE A SECULAR PURPOSE, (SACRAMENTO -SACRAMENT IS SACRED HOLY RELIGION) (2) MUST NEITHER ADVANCE NOR INHIBIT RELIGION IN ITS PRINCIPAL OR PRIMARY EFFECT, (SACRAMENTO SACRAMENT INFERS CHRISTIANITY AND "ORDAINED BY JESUS CHRIST ") (UNCONSTITUTIONAL) (3) MUST NOT FOSTER AN EXCESSIVE ENTANGLEMENT WITH RELIGION. (UNLAWFUL USE OF" HOLY NAME" IS ENTAILMENT IN ITS SELF) (UNCONSTITUTIONAL)

" CONLUSION "

AT NO TIME (PAST OR PRESENT) HAS MRS. O'LEARY EVER BEEN CONSULTED OR INTERVIEWED BY THE DEFENDANTS. AFTER 2 YEARS OF BEING IN THE LOCAL NEWSPAPER (FOREIGN OWNED?) (SEAMILL ETC.) AS THE O'LEARY FAMILY. FAMILY - HUSBAND, WIFE, CHILLDREN? THE CITY OF SACRAMENTO KNEW ME AS TIIE WIFE OF THE O'LEARY FAMILY. THE CATHOLIC CHURCH KNEW ME AS THE O'LEARY FAMILY. EVEN THIS HONORABLE COURT KNEW ME AS THE WIFE OF THE O'LEARY FAMILY. (V. L.) STEWART TITLE KNEW ME AS THE WIFE OF THE O'LEARY FAMILY.

OF ALL THE DEFENDANTS, STEWART TITLE (TITLE CO.), INSTEAD OF SNOWBALLING "THE DEAL TUROUGH" SHOULD HAVE DONE A COMPLETE SEARCH OF THE PROPERTY.

I PRAY FOR THIS COURT TO RETURN PROPERTY TO THE "RIGHTFUL" OWNERS AND FIND THAT ALL THE DEFENDANTS ARE GUILTY OF CONSPIRACY, DISCRIMINATION AND BREACH OF CONTRACT.

THE UNITED STATES DISTRICT COURT (EASTERN CALIFORNIA) AND UNITED STATES COURT OF APPEALS (9TH) " OPINION " DIRECTLY CONFLICTS WITH AN EXISTING OPINION BY THE THE UNITED STATES COURT OF APPEALS (7TH) AND "SUNSTANTIALLY AFFECTS A RULE OF NATIONAL UNIFORMITY. " HARRIS VS. CITY OF ZION 927 F. - 2 D 1401 7TH. 1991 RULED SECTARIAN IMAGERY HAS NO PLACE ON MUNICIPAL SEALS.

Rev
Florence
O'Leary

St. Peter's Church
P.O. Box 1211 San Pablo Avenue
Pacific Grove, California 93950

May 20th 1988

To whom it may concern

This is to certify that I have known Mr. O'Leary family for the last three years and they have been devoted parishioners.

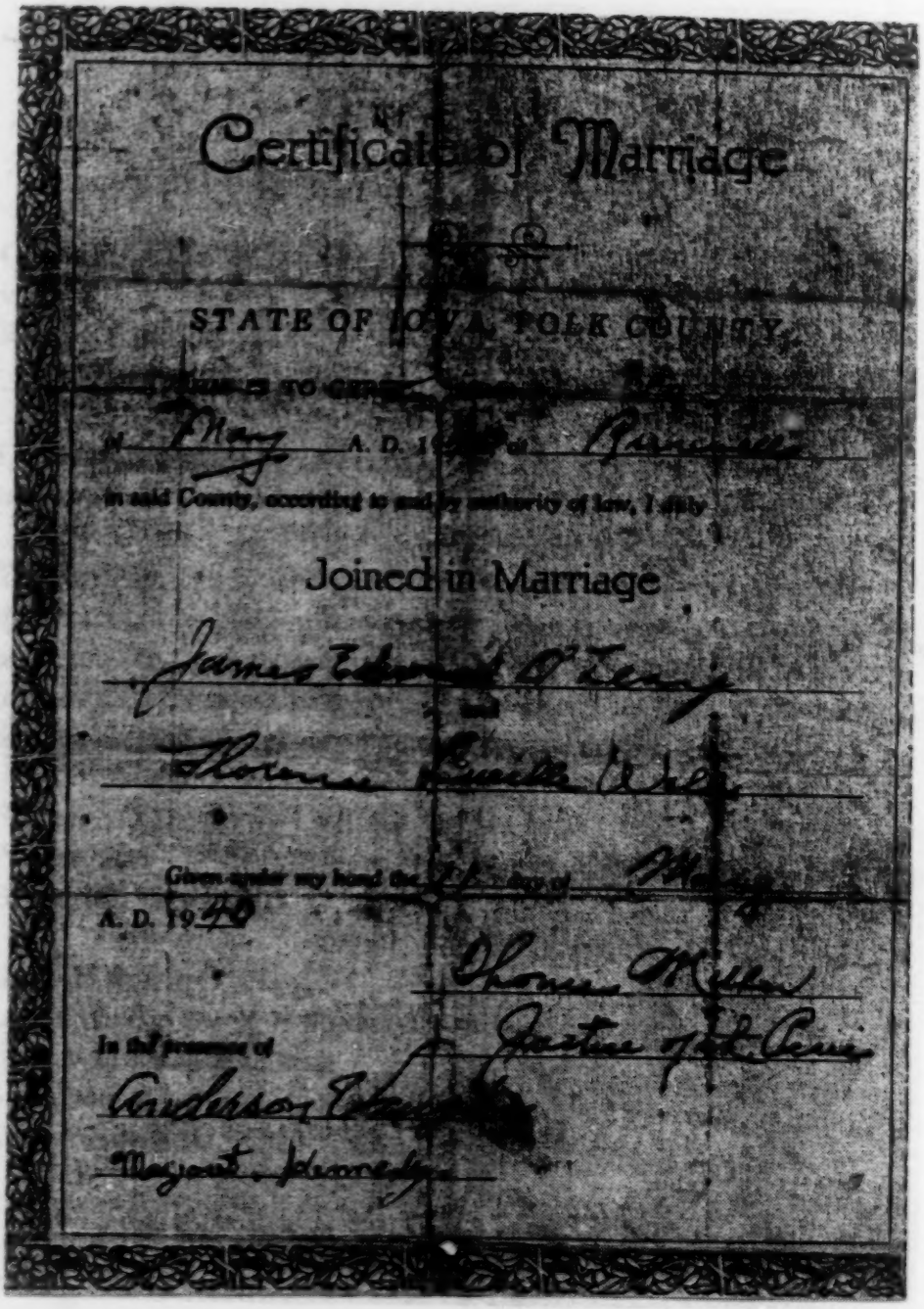
They are dairy farming people, Mr. O'Leary (Sr.) having served his country in the U.S. Navy for 35 years.

It is my opinion that if given a chance they will prove themselves to be decent citizens. They would like to settle in Davis to further their education.

Respectfully submitted

(Msgr.) Edward J. Kavanagh
Pastor

BEST AVAILABLE COPY



Certificate of Marriage

STATE OF IOWA, POLK COUNTY,

I HEREBY CERTIFY

that on the [illegible] day of May A. D. 19[illegible] at Des Moines

in said County, according to said by authority of law, I duly

Joined in Marriage

James Edward O'Leary

and

Florence Estelle White

Given under my hand this [illegible] day of May

A. D. 1930

Thomas Miller

Justice of the Peace

In the presence of

Anderson Edwards

Margaret Kennedy

ndd

United States District Court
for the
Eastern District of California
October 3, 1997

* * CERTIFICATE OF SERVICE * *

2: 95-cv-02257

O'Leary
v.
Roman Catholic

I, the undersigned hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Eastern District of California.

That on October 3, 1997, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Florence O'Leary CL/EJG
P0 Box 206
Broadrick CA 95605

Barry H Spitzer
Law Office of Barry H Spitzer
2485 Natomas Park Drive
Suite 346
Sacramento, CA 95833

Jack L. Wagner

BY: _____
Deputy Clerk

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FLORENCE O'LEARY Plaintiff/Appellant, vs. ROMAN CATHOLIC CHURCH OF SACRAMENTO, et al., Defendants/Appellees.	))))))))	No. 96-16129 DC# CV-95-2257-EJG) Eastern California (Sacramento) ORDER

Before:BROWNING, THOMPSON and HAWKINS, Circuit Judges

Appellees' request for judicial notice is granted.
Appellees' "Motion to Dismiss Frivolous Appeal" is construed as a motion for summary affirmance under Ninth Cir. R. 3-6. A review of the record and appellant's opening brief indicate that the questions raised in this appeal are so insubstantial as not to need further argument. See United States v. Hooton, 693 F.2d 857 (9th Cir. 1982) (per curiam) . Accordingly, we summarily affirm the district court's dismissal of the action.

Appellees' motion for damages and costs is granted in part. We award appellees $1,500 in damages as a sanction against appellant for bringing a frivolous appeal. See Fed. R. App. P. 38 .

AFFIRMED

mocal/4.21.97/ch

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

NO. 96-16129
CT/AG#: CV-95-02257-EJG/JFM

FLORENCE O'LEARY
Plaintiff - Appellant

v.

ROMAN CATHOLIC CHURCH OF SACRAMENTO; THE IMMACULATE CONCEPTION CHURCH; FRANCIS A. QUINN, Bishop; OBISPO DE DIOCESEAN DE ASACRAMENTO; WILLIAM K. WEIGAND, Bishop; ROMAN CATHOLIC DIOCESE OF SACRAMENTO
Defendants - Appellees

APPEAL FROM the United States District Court for the Eastern District of California (Sacramento) .

THIS CAUSE came on to be heard on the Transcript of the Record from the United States District Court for the Eastern District of California (Sacramento)
and was duly submitted.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court, that the summary judgment of the said District Court in this cause be, and hereby is AFFIRMED

Files and entered April 24, 1997

Office of the Clerk
United States Court of Appeals for the Ninth Circuit
95 Seventh Street, P. 0. Box 193939
San Francisco, CA 94119-3939

October 2, 1997

USDC, Sacramento
Eastern District of California (Sacramento)
2546 United States Courthouse
650 Capitol Mall
Sacramento, CA 95814

C.A. NO.	TITLE	AGENCY / D.C. NO.
96-16129	O'Leary v. Roman Catholic	CV-95-02257-EJG/J

Dear Clerk:

The following document(s) in the above listed cause(s) is (are) being sent to you under cover of this letter. Counsel are being served with a copy of this letter only.

[x] Certified copy of the Decree of the Court
[ ] Judgment of the National Labor Relations Board
[ ] Certified copy of the Entry of Dismissal

The record on appeal will follow under separate cover.

Please acknowledge receipt on the enclosed copy of this letter.

Very truly yours,

Cathy A. Catterson
Clerk of Court

Deputy Clerk

Enclosure(s)
cc: ALL COUNSEL, WITHOUT ENCLOSURES

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FLORENCE O'LEARY
Plaintiff - Appellant

v.

ROMAN CATHOLIC CHURCH OF SACRAMENTO; THE IMMACULATE CONCEPTION CHURCH; FRANCIS A. QUINN, Bishop; OBISPO DE DIOCESEAN DE ASACRAMENTO; WILLIAM K. WEIGAND, Bishop; ROMAN DIOCESE OF SACRAMENTO
Defendants - Appellees

USCA NO.: 96-16129
DC#: CV-95-02257-EJG/JFM

The madate in this appeal was issued prematurely and is hereby recalled.

FOR THE COURT

Cathy A. Catterson
Clerk of Court

By: Ed Manual
Deputy Clerk

UNITED STATES COURT OF APPEALS
FOR THE NINTH DISTRICT

Florence O'Leary	)	No. 96-16129
Plaintiff/Appellant,	)	DC# CV-95-2257-EJG
v.	)	Eastern California
ROMAN CATHOLIC	)	
CHURCH OF SACRA-	)	ORDER
MENTO, et al.,	)	
Defendants/Appellees.	)	
	)	

Before: BROWNING, THOMPSON and HAWKINS, Circuit Judges

Appellees' request for judicial notice is granted.

Appellees' "Motion to Dismiss Frivolous Appeal" is construed as a motion for summary affirmance under Ninth Cir. R. 3-6. A review of the record and appellant's opening brief indicate that the questions raised in this appeal are so insubstantial as not to need further argument. See United States v. Hooton, 693 F.2d 857 (9th Cir. 1982) (per curiam). Accordingly, we summarily affirm the district court's dismissal of the action.

Appellees' motion for damages and costs is granted in part. We award appellees $1,500 in damages as a sanction against appellant for bringing a frivolous appeal. See Fed. R. App. P. 38.

AFFIRMED.

mocal/4.21.97/ch

CERTIFICATE OF SERVICE

CASE NAME - REVEREND FLORENCE O'LEARY
VS.
ROMAN CATHOLIC CHURCH

CASE NO. 96-16129

I CERTIFY THAT A COPY OF THE PETITION FOR WRIT OF CERTIORARI TO SUPREME COURT OF THE UNITED STATES AND ANY ATTACHMENTS WAS SERVED, WITHER IN PERSON OR BY MAIL, ON THE PERSONS LISTED BELOW.

LOUIS N. DESMOND

ROMAN CATHOLIC CHURCH

BARRY H. SPITZER ESQ.

1006 FOURTH STREET
SACRAMENTO, CA 95814

Rev Florence O'Leary

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FLORENCE O'LEARY,	)	No. 96-16129
Plaintiff/Appellant,	)	DC# Cv-95-2257-EJG
	)	Eastern California
vs.	)	(Sacramento)
ROMAN CATHOLIC	)	
CHURCH OF	)	ORDER
SACRAMENTO,	)	
et al.,	)	
Defendants/Appellees.	)	
	)	

Before:BROWNING, THOMPSON and HAWKINS, Circuit Judges

Appellant's motion for reconsideration is denied. See 9th Cir. R. 27-10. The suggestion for rehearing en banc is rejected. See General Order § 6.11. No further motions for reconsideration, rehearing, clarification, or stay of the mandate shall be filed or entertained in this closed docket.

misc/8.97/96.16129 (ch)

JAMES O'LEARY

PLAINTIFF,

VS.

CITY OF SACRAMENTO, A MUNICIPAL CORPORATION,

CITY OF WEST SACRAMENTO, A MUNICIPAL CORPORATION.

Court seals the fate of one town's symbol

By JEAN PONESSA
GOVERNING MAGAZINE

Religion can be a part of a town's history, community or even its name, but it needs to stay off the city seal.

That's what a federal appeals court ruled when it declared unconstitutional the seals of two northeastern Illinois towns.

"Sectarian religious imagery simply has no place on municipal seals," a 7th U.S. Circuit Court of Appeals panel said.

In the case of Zion, Ill., a town of 19,000, the city seal includes a cross and a banner that reads "God Reigns." The seal was used by the religious community that founded the town in the 1800s.

Former Zion Mayor Adeline Geo-Karis, who also is a state senator, says the seal has been used for years without stifling religious diversity. Religion is part of the history of

• See Seals, Page A7

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DATED: July 25, 1991

/ s / William B. Shubb
WILLIAM B. SHUBB
UNITED STATES
DISTRICT JUDGE